

REMARKS/ARGUMENTS

Claims 1-12, 14-30, 32-48, 50-66, and 68-74 are pending in the application and have been rejected. Claims have been amended. Applicant respectfully requests reconsideration.

Rejections under 35 U.S.C. §101.

The Office Action has rejected claims 1-12, 14, 17, 36-48, 50, and 53 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Independent claims 1 and 36 have been amended to claim a computer-readable medium. This type of claim has been held to constitute statutory subject matter. In re Lowry, 32 F.3d 1579 (Fed. Cir. 1994). The independent claim 18 has been amended to specify that the method is computer implemented. These amendments are believed to overcome the §101 rejections.

Rejections under 35 U.S.C. §103

The Office Action rejected claims 1-3, 5-12, 14-20, 22-30, 32-38, 40-48, 50-54, and 72 as unpatentable over Herbert (U. S. Patent 6,018,742, hereafter " Herbert ") in view of Fujita (U. S. Patent 5,612,872, hereafter " Fujita").

The Office Action concedes that Herbert does not disclose the claimed replacement language structure. However, the Office Action contends that Fujita teaches this element and that it would have been obvious to one skilled in the art to modify Herbert according to Fujita. Fujita teaches a machine translation system that uses a translation dictionary. See col. 5, lines 10-17. It does not teach or suggest the claimed preferred language identifier in combination with the replacement language database. Moreover, the motivation cited by the Office Action is very general and does not suggest the modification of Herbert that would have to be made to render the claimed invention

obvious. The cited part (col. 4, lines 4-10) teaches presenting a word that the system can not translate as untranslated. By contrast, the claimed invention determines the preferred language which is not necessarily the original language. To avoid the use of hindsight, the law requires some teaching, suggestion, or reason for combining the cited references. The showing must be clear and specific. In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998). Applicant respectfully submits that claims 1, [as amended] would not have been obvious in view of the combination of Herbert and Fujita.

Claims 2-3, 5-12, and 14-17 are dependent on claim 1 and are patentable for the above reasons.

Independent claims 18 and 36 require identifying the preferred language based on a user identifier. Herbert does not teach that at all. Item 248 of Herbert is not a preferred language, it is a language ID for the language dependent table. Moreover, for reasons stated above the references are not properly combinable based on the cited motivation. Claims 19-30 and 32-35 are dependent on claim 18 and claims 37-53 are dependent on claim 36 and are patentable for at least the reasons discussed above.

Claim 54 requires a identifying a preferred language based on the user identifier and providing a replacement language where no descriptor value exists for the preferred language. As discussed above Fujita provides the untranslated language where it cannot translate. That is not the same as providing a preferred language. Claims 55 – 66 and 68-71 depend on claim 54 and are patentable for at least the same reasons.

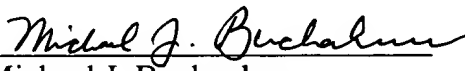
Claim 72 also requires identifying a preferred language based on the user identifier and utilizing said replacement language for an output descriptor where no descriptor value exists for the preferred language. Again, there is no teaching or suggestion of the above language in the cited references. The motivation cited does not discuss a preferred language as claimed. Claims 73 and 74 are patentable for the above reasons.

The Office Action rejected claims 4, 21, and 39 as unpatentable over Herbert in view of Fujita, and further in view of Malatesta (U. S. Patent 5,442,782, hereafter

"Malatesta"). Malatesta discloses a database with the ability to create records. Applicant pointed out what Malatesta does not teach or suggest in its response to the prior office action and refers to that discussion herein. The Fujitsu reference is not combinable for reasons above. The reasons given for making the combination of three references: "providing a recourse for when a related language does not exist" is very broad and does not even address the specifics of the claim language. Therefore, a prima facie case of obviousness has not been made.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,


Michael J. Buchenhorner
Reg. No. 33,162

Date: March 15, 2006

HOLLAND & KNIGHT LLP
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
(305) 789-7773 (voice)
(305) 789-7799 (fax)

Certificate of First-Class Mailing

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein, are being deposited with the United States Postal Office on the date set forth below with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 15th day of March, 2006.



Michael J. Buchenhorner

3590551_v3